



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
<https://post.ca.gov/>

Date: July 30, 2021

Bulletin: No. 2021-31

Subject: **Notice of Proposed Regulatory Action – Amend Commission Regulation 1005(a) Minimum Standards for Training for District Attorney Investigators**

At the June 2, 2021 meeting, the Commission on Peace Officer Standards and Training (POST) approved the proposed amendment to Commission Regulation 1005(a), Minimum Standards for Training for District Attorney Investigators (DAI). The amendment, upon approval of the Office of Administrative Law, will allow completion of the Regular Basic Course, or Specialized Investigators Basic Course, to meet the training requirements for DAIs.

The attached notice includes the proposed changes, an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the [POST Website](#).

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Questions regarding this proposed regulatory action may be directed to [Kirk Bunch](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at [\(916\) 227-3896](tel:(916)227-3896). General questions regarding the regulatory process may be directed to [Katie Strickland](#) at [\(916\) 227-2802](tel:(916)227-2802).

MANUEL ALVAREZ, JR.
Executive Director

MA:kb
Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Minimum Standards for Training for District Attorney Investigators
Commission Regulation 1005(a)

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by September 13, 2021.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, by email to [Kirk Bunch](#), or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST) and PC section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

Informative Digest/Policy Statement Overview

Currently, Commission Regulation 1005(a) requires the completion of the POST Regular Basic Course (RBC) for District Attorney Investigators (DAI), which excludes those individuals who have completed the POST Specialized Investigators Basic Course (SIBC) from being appointed as a DAI.

Commission Regulation 1005(a) requires a Minimum Entry-Level Training Standards, Basic Course Requirement: *“Every peace officer, except Reserve Levels II and III, those peace officers listed in subsections 1005(a), [peace officers whose primary duties are investigative], 1005(a)(4) [coroners or deputy coroners], and 1005(a)(7) [jail deputies], shall complete the Regular Basic Course before being assigned duties which include the exercise of peace officer powers. Requirements for the Regular Basic Course are set forth in Commission Procedures Section D-1-3.”*

POST staff propose updating Commission Regulation 1005(a) to allow completion of the RBC or SIBC to meet the training requirements for DAIs. This change will provide a District Attorney’s Office the ability to hire individuals who have completed the SIBC or maintain the current training requirement of the RBC.

The proposed regulation change is necessary to allow individuals who have completed either the RBC or the SIBC to become employed as DAIs or Inspectors. In addition to the

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Minimum Standards for Training for District Attorney Investigators
Commission Regulation 1005(a)

basic course training requirement, the POST-certified District Attorney Investigator Transition Course, Commission Procedure Section D-14, shall be completed within 12 months from the date of appointment.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendment to the regulation will be to allow a District Attorney's Office the ability to also hire individuals who have completed the SIBC or maintain the current training requirement of the RBC, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern DAIs.

Forms Incorporated by Reference

There are no forms incorporated by reference.

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code sections 17500 - 17630 requires reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses: POST has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Small Business Determination: POST has found that the proposed language will not affect small business because the amended language will not affect small business because the amended language addresses the update to the Minimum Entry-Level Training Standards, Basic Course Requirement.

Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

Cost Impacts on Representative Private Persons or Businesses: POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: POST has made an initial determination that the proposed regulation would have no effect on housing costs.

Results of Economic Impact Assessment per Gov. Code section 11346.3(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

The benefits of the proposed amendments of regulations to the regulations will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

Contact Persons

Questions regarding this proposed regulatory action may be directed to [Kirk Bunch](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at [\(916\) 227-3896](#). General questions regarding the regulatory process may be directed to [Katie Strickland](#) at [\(916\) 227-2802](#).

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the [POST Website](#).

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.